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PATENT
Docket No.: 246472005200

CERTIFICATE OF HAND DELIVERY

I hereby certify that this correspondence is being hand filed with the United States Patent and Trademark Office in Alexandria, Virginia on July 6, 2004.

Chimin Taylor

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Arnold KELLER

Serial No.: 10/623,803

Filing Date: July 22, 2003

For: INVERTEBRAL DISC
PROSTHESIS

Examiner: Not Yet Assigned

Group Art Unit: 3738

INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR 1.97 & 1.98

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Pursuant to 37 CFR 1.97 and 1.98, applicant submits for consideration in this application the documents listed on the attached Form PTO-1449. Copies of the documents are also submitted herewith. The Examiner is requested to make these documents of record.

The documents listed on the Form PTO-1449 were cited in a European Search Report mailed on December 4, 2003 (copy attached), directed to a counterpart foreign application.

Applicant advises that paragraph 2.1 of the European Search report reads in English as follows:

Document D1 shows (compare abstract and Figures 4-11) a vertebral disc prosthesis with two cover plates (1, 2) and a prosthesis core (3), which with one

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of the cover plates (1, 2) is connected by complementary undercut connection profiles (9, 16), wherein the connection profiles (9, 16) comprise at least one pair of profile sections which are symmetrical with respect to the AP direction (8, compare Figure 7) and at an angle to one another (in the area of reference numeral 17a).

Applicant advises, however, that Figures 4 and 7 of document D1 show that the dotted line showing the undercut is not present in the area of reference numeral 17a, contrary to what is said in the European Search Report; if such an undercut were present, it would also appear on Figures 6 (in place 17), 8 and 9 (in place 10), but it does not.

This Information Disclosure Statement is being submitted before the mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required.


Applicant would appreciate the Examiner initialing and returning the Form PTO-1449, indicating that the information has been considered and made of record herein.

The information contained in this Information Disclosure Statement under 37 CFR 1.97 and 1.98 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the event that the transmittal form is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952**, referencing 246472005200.

Dated: July 6, 2004

Respectfully submitted,

By 
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Form PTO-1449

INFORMATION DISCLOSURE CITATION
IN AN APPLICATION

(Use several sheets if necessary)

Docket Number 246472005200

Application Number 10/623,803

Applicant

Arnold KELLER

Filing Date July 22, 2003

Group Art Unit 3738

Mailing Date July 6, 2004

U.S. PATENT DOCUMENTS

| Examiner Initials | Ref. No. | Date | Document No. | Name | Class | Subclass | Filing Date If Appropriate |
|----------------------|-------------|------|--------------|------|-------|----------|-------------------------------|
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FOREIGN PATENT DOCUMENTS

| Examiner Initials | Ref. No. | Date | Document No. | Country | Class | Subclass | Translation YES NO |
|----------------------|-------------|---------|--------------|---------|-------|----------|-----------------------|
| | 1. | 4/15/94 | FR 2 718 635 | France | | | abstract |
| | 2. | 7/6/98 | FR 2 780 635 | France | | | abstract |
| | 3. | 6/10/88 | FR 2 632 516 | France | | | abstract |
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OTHER DOCUMENTS

(including author, title, Date, Pertinent Pages, Etc.)

| Examiner Initials | Ref. No. | Title |
|----------------------|-------------|---|
| | 4. | European Search Report dated December 4, 2003 |
| | 5. | Letter dated January 23, 2004, from client regarding European Search Report |
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EXAMINER:

DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.